

Borough of Union Beach

RESOLUTION NO. 2025-107:

ADOPTING THE FOURTH-ROUND HOUSING ELEMENT & FAIR-SHARE PLAN

WHEREAS, N.J.S.A. 52:27D-310 et seq., and the Third Round Housing Plan rules (N.J.A.C. 5:93-1–9) require municipalities within the Council on Affordable Housing (COAH) third or subsequent round jurisdiction to adopt a “housing element and fair-share plan” addressing affordable housing obligations; and

WHEREAS, pursuant to the Amended Act, the New Jersey Department of Community Affairs (DCA) released a report on October 18, 2024, entitled Affordable Housing Obligations for 2025–2035 (Fourth Round), determining that the Borough of Union Beach’s affordable housing obligations included a Present Need of 0 units and a Prospective Need of 45 units; and

WHEREAS, the Borough timely filed its resolution of participation with the Affordable Housing Dispute Resolution Program (the “Program”), challenging the DCA’s Prospective Need calculation; and

WHEREAS, the Fair Share Housing Center (“FSHC”) objected to the Borough’s challenge and asserted that the DCA’s calculation should be adopted in full; and

WHEREAS, in good faith and without admitting any party’s position, the Borough and FSHC participated in mediation through the Program and reached an agreement to resolve the dispute regarding the Borough’s Fourth Round fair share housing obligations, which the parties reached a settlement regarding the terms of the Borough’s obligations; and

WHEREAS, as a result of the settlement conference through the court ordered mediation session, the Court issued a decision acknowledging that the Borough and FSHC reached a resolution that provider what the Borough’s Fourth Round “present need,” is zero (0) affordable housing units and its prospective need has been settled at thirty-nine (39) units;

WHEREAS, this settlement agreement agrees and acknowledges that the Borough shall be permitted to engage in a Vacant Land Adjustment process under N.J.A.C. 5:93-4.2, which the parties discussed may reduce the prospective need calculation to as low as zero; and,

WHEREAS, entering into this agreement allows the Borough to proceed with preparing its Fourth Round Housing Element and Fair Share Plan (HEFSP) by the statutory deadline of June 30, 2025, and fulfills its obligation to act in the interest of lower-income households;

WHEREAS, the Borough of Union Beach prepared its Fourth-Round Housing Element & Fair-Share Plan dated June 2025, drafted by Leon S. Avakian Inc.; and

WHEREAS, on June 24, 2025, the Planning Board of Union Beach conducted a public hearing to review the Plan, received public comment, and adopted a resolution recommending immediate adoption by the Mayor and Council; and

WHEREAS, the Borough Council finds the Plan complies with statutory and regulatory requirements, including affordable housing unit production, realistic development options, inventory of suitable sites, rehabilitation needs, and fair-share obligations; and

WHEREAS, compliance with COAH’s Fourth-Round rules will provide Union Beach with “substantive due process protection” from future exclusionary zoning litigation;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Union Beach, County of Monmouth, State of New Jersey, as follows:

1. The Borough Council hereby adopts the Borough of Union Beach Fourth-Round Housing Element & Fair-Share Plan dated June 2025 as official land use policy for the Borough.
2. The Borough Clerk is hereby directed to file a certified copy of this Resolution and two paper copies of the adopted Plan with the Division of Local Government Services, Department of Community Affairs, and submit digital copies to COAH pursuant to N.J.A.C. 5:93-5.
3. The Planning Board Secretary is directed to file the adopted Plan and housing element with the County Planning Board and maintain a copy in the Borough Municipal Building for public inspection during regular business hours.
4. This Resolution shall take effect immediately.

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Wicki					X	
Mr. Riccardi			X			
Mrs. Roche			X			
Mrs. Woodruff		X	X			
Mr. Andreuzzi			X			
Mr. Lewandowski	X		X			

CERTIFICATION

I, Alexandra Sweeney, Acting Municipal Clerk For The Borough Of Union Beach, In The County Of Monmouth, New Jersey, Do Hereby Certify That The Foregoing Resolution Is A True Copy Of The Original Resolution Duly Passed And Adopted By The Governing Body At Their Meeting Of June 26, 2025.

Alexandra Sweeney, Acting Municipal Clerk

Witness my Hand and Seal of the
Borough of Union Beach
This 26th Day of June 2025